

us to redouble our efforts to be better people—to be more understanding to our friends and more loving to our families and to aspire to live our lives with the courage that the people of Aurora and Colorado have shown over the course of this last year.

I think that the leaders here in Washington could learn from their courage. The victims of Aurora have not let setbacks stop them from achieving great things and making their community a better place to live. They, in fact, have refused to allow the word “victim” to define them.

Of course, we still have work to do to prevent future mass shootings. There are many commonsense steps that we can and must take to reduce senseless gun violence. But today is not a time for a policy debate. Today is a day to remember the victims, to honor the heroes from that terrible day last year, and to commit ourselves to never forgetting their memory.

The ACTING PRESIDENT *pro tempore*. The Senator from Washington.

Mrs. MURRAY. Mr. President, let me commend the Senator from Colorado for his critical reminder to all of us about how you can get up each day and never know what life brings to you, but to remember not that the people so senselessly lost their lives, but the courage and passion they have left for all of us. I thank him for that important reminder.

Mr. UDALL of Colorado. I thank the Senator.

PEREZ NOMINATION

Mrs. MURRAY. Mr. President, I want to speak briefly about our vote today to confirm Thomas Perez as our next Secretary of Labor, and I want to touch on a couple of reasons, of separate reasons, this particular confirmation is so important for this body and for our country.

First, something we have talked about for several days here is providing the President and his administration with the team he needs to help our country grow, for our economy, our families, and communities in every one of our home States. Filling the position of Labor Secretary could not be more important. We all rely on the Department of Labor to do a lot of important work for American workers and American businesses—providing critical workforce development and job training services to help get people back to work or into better jobs, making sure we have high workplace safety standards, improving conditions and opportunities for women, and helping our service men and women find good jobs when they come home. Our country and our economy are stronger when the Department of Labor has a talented, qualified leader at the reins.

That brings me to the second reason why this vote is so important, and that is the tremendous nominee we have before us today. In Thomas Perez, the President has nominated someone who

will bring passion and integrity and a lifetime of experience to this very important position. Like so many Americans, Mr. Perez comes from very humble beginnings. He is a second-generation American who put himself through college by collecting trash and working in the university dining hall. Since that time, he has spent his career fighting for working families, protecting our important civil rights laws, and turning around troubled agencies.

There is no shortage of examples to demonstrate what an effective leader Mr. Perez has been throughout his career. He took an Office of Civil Rights at HHS that had been ignored and lifeless and breathed new life into it. He reformed and rebuilt the Department of Labor in Maryland, and he walked into a very troubled Civil Rights Division at DOJ and, by all credible accounts, he returned high performance, professionalism, and integrity to that agency.

In a time when we need to do everything we can to protect and grow our shrinking middle class, Mr. Perez is exactly the right person for this job because in tough times, while we are still recovering from recession, we need strong, experienced leadership at the Department of Labor.

My colleagues here today who support his confirmation from both sides of the aisle are not alone. From his time working at the local and State and Federal level, organizations from Maryland and throughout our country have come out to strongly support him as well. That includes organizations that represent women, the LGBT community, the Hispanic community, and many more.

Finally, throughout his confirmation process, which at times has been very difficult, Mr. Perez has shown nothing but openness, transparency, respect, and the ability to work together and solve problems. That is why I will vote to confirm him today, and I urge all my colleagues to support his confirmation as well.

I yield the floor.

The ACTING PRESIDENT *pro tempore*. The Senator from West Virginia.

MCCARTHY NOMINATION

Mr. MANCHIN. Mr. President, I rise today to explain my vote against Gina McCarthy, which I will cast later today or the first of next week, to be Administrator of the Environmental Protection Agency. My fight is not with her. My fight is truly with the agency itself, the EPA, and the President who nominated her to head the regulatory agency. That fight is not going to end with the Senate's vote on Ms. McCarthy's nomination. It will not stop there. The fight will continue until the EPA stops its overregulatory rampage and until the President comes up with feasible policies that achieve real energy independence, which is what I think we all wish for.

I don't want anyone to misunderstand me. I have serious disagreements

with many of Ms. McCarthy's views on energy and the environment, but I will say I met her a couple of weeks ago for the first time when she came to my office, and I found her to be earnest, friendly, pragmatic, incredibly intelligent. She is a talented scientist who has dedicated her life to public service. As a matter of fact, she served under Democrats and Republicans alike. I certainly appreciate her pragmatism, her willingness to serve her country, and her stellar bipartisan credentials, an extremely rare quality in Washington these days, as everyone knows.

In fact, it is not hard to imagine this same lady could have been nominated to be the EPA Administrator—if Mitt Romney would have won—by another President from another party. After all, she advised him on climate change when he was Governor of Massachusetts.

My vote goes much deeper than her nomination, her views on energy and the environment or even her job performance for the last 4 years as head of air policy at the EPA. My vote against Gina McCarthy is a vote against the administration's lack of any serious attempt to develop an energy strategy for America's future, which we call an all-of-the-above policy.

We need to develop every source of American-made energy, such as coal, natural gas, nuclear, renewables, wind, solar, biomass, and biofuels. We need it all, and we are responsible to make sure we find a balance between the economy and the environment. Everyone knows it is common sense to use what we have in this country.

We need an all-of-the-above policy that includes nuclear, hydroelectric, biomass, renewables, such as wind and solar, fossil fuels, including oil, natural gas, and coal. I truly believe if we work together and focus on a commonsense approach, we can develop a strong bipartisan energy plan. Such a plan will not only break the power of foreign oil countries and speculators, it will also chart a new and promising energy future for this great Nation and increase our national security and prosperity. Think about that. It will increase our national security and the prosperity of our country.

The President often speaks about an all-of-the-above energy policy, but I have to say that his new global climate proposal amounts to a true declaration of war on one of the above. It is a true declaration of war on coal. In fact, the President plans to use the EPA to regulate the coal industry out of existence.

The coal industry in the United States of America burns 1 billion tons of coal. Eight billion tons of coal is burned in the world today. I don't believe the wind currents or the ocean currents start and stop in North America. If we stop burning every ton of coal and declare war on the economy, it will effectively destroy people's lives and jobs as well as their ability to take care of themselves. There is more coal

burned in the world now than ever before, and it is unregulated. We do burn coal better than anyone else, and we can even do it better if the government will work with us. All we are asking for is a partnership.

It doesn't matter who is elected as the Administrator of the EPA. If the President plans to use the EPA to regulate the coal industry out of existence, it doesn't matter who it is. It could be Ms. McCarthy or someone else because it is the President and the administration that will be calling all the shots. That is my fight, and it is a fight where I wish we could sit down and work together. It is a fight we cannot lose as the United States of America. There is too much at stake.

Coal is America's most abundant, most reliable, and most affordable source of energy. In fact, coal keeps the lights on and provides nearly 40 percent of the electricity in this country—40 percent. Almost half of the population of the United States of America depends on coal for their energy. It is the source of energy that built America. It made the steel that built the factories and defends our country with guns and ships. It has done it all. All we are asking for is a partnership so we can continue to keep the lights on.

With all the clean coal technologies we have—and will continue to have for decades—we can use it in a way that strikes a balance between the environment and the economy. There should always be a balance. It can't be all or nothing. It seems as if we have these extremes today where a person is either on the right or on the left, absolutely for an issue or absolutely against an issue. If there is never a compromise, how can we make it work?

There is nobody in West Virginia who wants to breathe dirty air or drink dirty water. Nobody in America wants to do that. We have a responsibility to do it better. In fact, in the last two to three decades, we have cleaned up the environment more than ever in the history of this country.

For the last 40 years, every President has talked about how to end our country's addiction to foreign oil in order to achieve energy independence. We know our dependence on oil has taken us to places in the world to fight wars that have sacrificed American men and women as well as the precious resources of this great country. We have been fighting wars we shouldn't be in because of our dependence on foreign oil.

We need to stop demonizing one energy resource—and I do mean demonizing it. When people say, I hate this or I hate that or I can't stand this—turn the lights off. Turn the air-conditioning off. Turn it all off and see how well you like it or don't like it.

If we start using all of our resources, we can, once and for all, end our dependence on foreign oil. If we end our dependence on foreign oil, we will be a

stronger and more secure Nation. We can do that within this generation and keep our economy more secure and our economy producing jobs for generations to come.

All I ask is for a level playing field. I ask that our government—in this beautiful country of ours—partner with me and West Virginia so we can work together.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PEREZ NOMINATION

Mr. ALEXANDER. Mr. President, later today we will vote in the Senate on the question concerning whether the President's nomination of Thomas Perez to be the Secretary of Labor should be confirmed. I will vote no. I will vote against the confirmation of Mr. Perez. I do not believe he is the right man for this job.

The Secretary of Labor has immense influence over the lives of workers and the conduct of business in today's economy. Employees, employers, and unions must be able to trust the Secretary to faithfully and impartially execute our Nation's labor laws.

At a time when the official unemployment rate stands at 7.6 percent—meaning millions of Americans are looking for work and can't find it—and at a time when there is a growing gap between our workers' skills and our employers' needs, we need serious leadership on labor policy. We need someone who understands how to create an environment in which the largest number of Americans can find good new jobs. We need leadership that is committed to working in the best interests of the country. Unfortunately, I don't believe Mr. Perez meets that standard.

Mr. Perez's life story is one with many worthy accomplishments in public service, a devotion to representing disadvantaged individuals, and I commend him for that. But he has demonstrated throughout his career that he is willing to, in his words, push the envelope to advance his ideology.

I believe there are three significant problems with the nomination of Mr. Perez:

No. 1, in my view, his record raises troubling questions about his actions while at the Department of Justice and his candor in discussing his actions with this committee.

The Department of Justice inspector general recently published a detailed report that discussed problems in the voting rights section. It talked about a

politically charged atmosphere of polarization. Mr. Perez has administered that section since 2009. The report talked about the unauthorized disclosure of sensitive and confidential information and about blatantly partisan political commentary. It specifically criticized the management of the Department and Mr. Perez's actions while at the Department. When questioned by members of our Committee on Health, Education, Labor and Pensions, Mr. Perez's answers were vague and nonresponsive.

No. 2, to preserve a favorite legal theory, Mr. Perez orchestrated a quid pro quo arrangement between the Department of Justice and the City of St. Paul in which the Department agreed to drop two cases in exchange for the city withdrawing a case, the Manger case, before the Supreme Court.

Mr. Perez's involvement in this whole deal seems to me to be an extraordinary amount of wheeling and dealing outside what should be the normal responsibilities of the Assistant Attorney General for Civil Rights. To obtain his desired results, Mr. Perez reached outside of the Civil Rights Division at the Department of Justice into the Minnesota U.S. Attorney's Office and into the Department of Housing and Urban Development. This exchange cost American taxpayers the opportunity to potentially recover millions of dollars and, more importantly, violated the trust whistleblowers place in the Federal Government. His testimony has been contradicted by the testimony of other witnesses in contemporaneous documents.

In short, it seems to me that Mr. Perez did not discharge the duty he owed to the government to try to collect money owed to taxpayers. He did not discharge the duty to protect the whistleblowers, who were left hanging in the wind. At the same time, he was manipulating the legal process to remove a case from the Supreme Court in a way that is inappropriate for the Assistant Attorney General of the United States.

No. 3, Mr. Perez's use of private e-mail accounts to leak nonpublic information is troubling to me.

Federal officials in this administration seem to have a penchant for using private e-mails to conduct official business. The Federal Records Act is designed to ensure that the government is held accountable to the American people to prevent the opportunity for a shadow government to operate outside of the normal channels of oversight. Using personal e-mails robs the Nation of the ability to know if the government is behaving appropriately.

Since Mr. Perez apparently is going to be confirmed despite my vote, I hope he will pledge to stop using personal e-mails to conduct official business.

For these three reasons, I cannot support the Perez confirmation. I will support and have supported the President's right to have an up-or-down vote on his Cabinet members. I always have. So I voted for cloture.